

# Draft Supplemental Environmental Impact Statement

## *Translocation of Southern Sea Otters*



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Prepared by  
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# Executive Summary

## Background

The southern sea otter (*Enhydra lutris nereis*) was listed as a threatened species in 1977. Threats to the species included its small population size, its greatly reduced range, and the potential risk of oil spills [42 FR 2968]. A recovery plan for the southern sea otter was approved in 1982. This plan identified the translocation of southern sea otters as an effective and reasonable recovery action. The purpose of translocation was to establish southern sea otters in one or more areas within historic habitat, thereby minimizing the possibility that a single natural or human-caused catastrophe, such as an oil spill, could adversely affect a significant portion of the population.

In addition to the general authority to translocate species contained in the Endangered Species Act, Section 10(j) of the Act specifically authorizes translocation of a listed species to establish experimental populations. However, the southern sea otter is protected under both the Endangered Species Act and the Marine Mammal Protection Act, and the Marine Mammal Protection Act at that time contained no similar translocation provisions. This inconsistency was resolved in the case of the southern sea otter by the passage of Public Law (P.L.) 99-625 (Fish and Wildlife Programs: Improvement; Section 1. Translocation of California Sea Otters) on November 7, 1986 (Appendix A). P.L. 99-625 specifically authorized the development of a translocation plan for southern sea otters (to be administered in cooperation with the affected state) and incorporated provisions intended to minimize conflicts between translocated sea otters and shellfish fisheries. These provisions included the

establishment of a translocation zone into which sea otters would be moved to establish an independent population and a management zone surrounding the translocation zone from which sea otters would be removed.

In May 1987, we, the U.S. Fish and Wildlife Service, published a final environmental impact statement that analyzed the impacts of a program to translocate southern sea otters from the central coast of California to areas of northern California, southern Oregon, or San Nicolas Island off the coast of southern California. We identified San Nicolas Island as our preferred translocation site and subsequently issued a record of decision announcing our intent to implement a translocation plan, which included moving sea otters to San Nicolas Island and designating a management zone in accordance with P.L. 99-625.

Between August 1987 and March 1990, we released 140 sea otters at San Nicolas Island. Many of these animals left the island; some returned to central California; some took up residence in southern California; and some died. Many were never accounted for. In 2004, 32 independent<sup>1</sup> sea otters were counted at San Nicolas Island. Virtually all of these sea otters are believed to be offspring of the animals that remained at the island.

We discontinued translocating sea otters to San Nicolas Island in 1990 but continued to remove sea otters from the designated management zone until 1993. As specified by P.L. 99-625, sea otters were to be removed from the management zone using non-lethal means and returned to either San Nicolas Island or the central California

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<sup>1</sup> The term “independent” refers to any sea otter beyond the weaning stage (i.e., the category excludes dependent pups).

coast. The purpose of the management zone was to minimize conflicts between translocated sea otters and shellfish fisheries. Any sea otter found south of Point Conception (in Santa Barbara County) and outside of the translocation zone was to be removed. Between 1993 and 1997, few sea otters were reported in the management zone; however, natural range expansion of the mainland sea otter population resulted in large numbers of sea otters entering the management zone in 1998.

By 1998, many factors related to the status of the southern sea otter population had changed since initiation of the program, and the program did not appear to be meeting the recovery objectives outlined for it. In light of this new information, we consulted with the southern sea otter recovery team and sought public comment on the future of the program. We subsequently reinitiated section 7 consultation under the Endangered Species Act (Appendix B) and completed a draft evaluation of the translocation program.

On January 22, 2001, we issued a policy statement regarding the capture and removal of southern sea otters in the designated management zone [66 FR 6649]. Based on our July 2000 biological opinion, we determined that the containment of southern sea otters was not consistent with the requirement of the Endangered Species Act to avoid jeopardy to the species. The notice advised the public that we would not capture and remove southern sea otters from the management zone pending completion of our reevaluation of the southern sea otter translocation program, which would include the preparation of a supplement to our 1987 environmental impact statement and release of a final evaluation of the translocation program that contains an analysis of failure criteria.

## Purpose and Need for Action

The purpose of this supplement is to evaluate the impacts of the southern sea otter translocation plan as described in our 1987 environmental impact statement, using information obtained over the 18 years since the plan's inception, and to evaluate alternatives to the current translocation program, including termination of the program or revisions to it.

The need for action stems from our apparent lack of progress and inability to meet the goals of the southern sea otter translocation program. Contrary to expectations and to the primary recovery objective of the program, the translocation of sea otters to San Nicolas Island has not resulted in an established population sufficient to repopulate other areas of the range should a catastrophic event affect the mainland population. Additionally, maintenance of a management zone has proven to be more difficult than anticipated and hinders or may prevent recovery of the southern sea otter.

## Issues and Alternatives

Issues and concerns expressed during the scoping process generally fell within four categories: (1) economic effects on fisheries and tourism; (2) effects on the nearshore marine ecosystem; (3) effects on the southern sea otter population; and (4) effects on other agency activities. These categories encompass all of the potentially significant effects associated with the translocation program and are the focus of this supplement. With these issues in mind, we developed six alternatives for analysis in this document. These alternatives are described below:

- **No Action Alternative:** Maintain status quo. This alternative serves as the baseline for comparison with all other alternatives.
- **Alternative 1:** Resume implementation of 1987 southern sea otter translocation plan
- **Alternative 2:** Implement modified southern sea otter translocation program with smaller management zone
- **Alternative 3A:** Terminate the southern sea otter translocation program based on a failure determination pursuant to 50 CFR §17.84(d) **and** remove all sea otters residing within the translocation and management zones at the time the decision to terminate is made
- **Alternative 3B:** Terminate the southern sea otter translocation program based on a failure determination pursuant to 50 CFR §17.84(d) **and** remove only sea otters residing within the translocation zone at the time the decision to terminate is made;
- **Alternative 3C (Proposed Action):** Terminate the southern sea otter translocation program based on a failure determination pursuant to 50 CFR §17.84(d) **and** do not remove sea otters residing within the translocation or management zones at the time the decision to terminate is made.

## Impacts of the Alternatives

Throughout the analysis in this supplement, we compare the impacts of each alternative to those of the No Action Alternative (the status quo projected outward over time), which functions as a baseline. The quantitative analysis is limited to a 10-year horizon because of the numerous sources of

uncertainty involved in projecting sea otter range expansion and socioeconomic impacts beyond that time period. Some impacts are too uncertain to quantify reasonably, even within the 10-year projection. These impacts and all impacts that may occur after 10 years are described in qualitative terms only.

Chapter 5 of this supplement defines levels of significance for impacts that can be reasonably defined. A brief summary of the biological and socioeconomic impacts associated with each alternative is included in table 0-1 below.

**TABLE 0-1. SUMMARY OF BIOLOGICAL AND SOCIOECONOMIC IMPACTS BY ALTERNATIVE (10-YEAR PROJECTION)**

		No Action	Alternative 1	Alternative 2	Alternative 3A	Alternative 3B	Alternative 3C (Proposed Action)			
<b>Nearshore Marine Ecosystem</b>				Significance criteria not defined						
Candidate, Threatened, and Endangered Species	White Abalone			Low (+)	No change	Very Low (+)		No change		
	Black Abalone			Moderate (+)	No change	Moderate (+)		No change		
	Southern Sea Otter			High (-)	No change	Moderate (-)	Low (-)	Low (+)		
	Sea Urchin Fishery			Low (+)	No change	Low (+)		No change		
	Spiny Lobster Fishery			Low (+)	No change	Very Low (+)		No change		
Commercial Fisheries	Crab Fishery			Moderate (+)	No change	Very Low (+)		No change		
	Aquaculture							Significance criteria not defined		
Seafood Processing Industry				Low (+)	No change	Low (+)		No change		
Kelp Harvest		Significance criteria not defined								
Recreational Fishing and Diving	Lobster Diving			Very Low (+)	No change	Very Low (+)		No change		
	Finfish Fishing	Significance criteria not defined								
Abalone Fishery Restoration		Significance criteria not defined								
Ecotourism		Significance criteria not defined								
Federal and State Agency Programs		Significance criteria not defined								

Note: The level of significance of each impact is described with a term ranging from "very low" to "very high." These terms are defined in Chapter 5. Any effect greater than "very low" is considered to be significant. The symbols (+) and (-) indicate whether the effect is beneficial or adverse.

## Translocation Program Evaluation

Ultimately, our future actions depend on our final evaluation of the southern sea otter translocation program. A draft evaluation of the program is included as Appendix C of this supplement.

The primary purpose of the southern sea otter translocation program was to bring southern sea otters closer to recovery and to eventual delisting as a threatened species. Our draft evaluation compares the results of the translocation program against the goals for which it was undertaken and the failure criteria established for its assessment. The draft evaluation concludes that the translocation program has failed to fulfill its primary purpose and that our recovery and management goals for the species cannot be met by continuing the program (Appendix C).

A second purpose of the translocation program was to obtain data for assessing translocation and containment techniques, population dynamics, the ecological relationships of sea otters and the nearshore community, and the effects on the donor population of removal of individual sea otters for translocation. Much valuable information has been gathered to date, primarily related to the efficacy of the translocation and containment methods used during implementation of the 1987 translocation plan. The translocation and containment results themselves indicate that the primary recovery goal of the translocation program, the establishment of a sea otter population that could serve as a source for future translocations, may not be achievable. In light of the observed degree of dispersal and mortality resulting from the translocation to San Nicolas Island, it no longer appears reasonable to assume that a sea otter population could be reestablished simply by moving 25 animals annually over

a 3-year period. Information gained as a result of translocation and containment efforts is an important element in our shift in recovery strategy from translocation to natural range expansion (USFWS 2003).

The San Nicolas Island sea otter colony is small, and its future is uncertain. Even if the colony were to become established, the resulting population would not likely be sufficient to ensure survival of the species should the parent population be adversely affected by a catastrophic event. Recovery of the southern sea otter will ultimately depend on the growth and expansion of the southern sea otter's range. While there are conflicts between an expanding sea otter population and shellfish fisheries that have developed in the absence of sea otters, managing sea otters has proven to be difficult and ineffective, and maintenance of a "no-otter" management zone compromises the ability of the species to recover.

## The Proposed Action—Alternative 3C

Alternative 3C is our proposed action. Alternative 3C would recognize that the translocation program has failed and would allow sea otters to remain in areas where they now reside. This alternative would ultimately provide the maximum benefit for southern sea otter recovery.

Under Alternative 3C, conflict between natural sea otter range expansion and shellfish fisheries would likely continue to occur. However, in light of the relative ineffectiveness of zonal management and our inability to meet our primary sea otter recovery objectives within the context of the translocation program, it would seem unreasonable to continue to support the translocation program and its associated management strategy. In light of the now-

well-established capacities of sea otters to return rapidly to areas from which they have been removed, it is clear that our ability to influence sea otter movements by means of capture and removal is limited, and continuing efforts to remove sea otters non-lethally from areas where they choose to reside appears to be futile.

To mitigate the effects that may occur as a result of this alternative, if chosen, we would propose to work closely with the California Department of Fish and Game and affected fishers to develop fishery management strategies that would minimize effects on individual fishers. If sea otters did naturally expand their range into southern California, changes in the nearshore environment would take place over many decades, allowing for a gradual transition of fishery and ecotourism activities that would likely dampen any regional economic impacts that could occur.